

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNILOC USA, INC. AND UNILOC LUXEMBOURG  
S.A.,

Plaintiffs,

v.

INMAGINE CORPORATION LLC D/B/A INMAGINE  
.COM D/B/A PHOTOSUBSCRIBE.COM D/B/A  
IMAGEHIT.COM D/B/A INSPIRESTOCK INC D/B/A  
INSPIRESTOCK.COM AND 123RF LTD D/B/A 123RF  
USA LTD. D/B/A 123RF.COM D/B/A  
123ROYALTYFREE.COM D/B/A 123RF.NET

Defendants.

CIVIL ACTION NO. 6:12-CV-93

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Uniloc USA, Inc. and Uniloc Luxembourg S.A. (together “Uniloc” or “Plaintiffs”) file this Complaint against INMAGINE CORPORATION LLC d/b/a INMAGINE.COM d/b/a PHOTOSUBSCRIBE.COM d/b/a IMAGEHIT.COM d/b/a INSPIRESTOCK INC d/b/a INSPIRESTOCK.COM and 123RF LTD. d/b/a 123RF USA LTD. d/b/a 123RF.COM d/b/a 123ROYALTYFREE.COM d/b/a 123RF.NET, demand a trial by jury and allege as follows:

**PARTIES**

1. Plaintiff Uniloc USA, Inc. is a Texas corporation having a principal place of business at 2151 Michelson Drive, Irvine, California 92612. Uniloc USA, Inc. also maintains places of business in this District at 5048 Tennyson Pkwy, Suite 200, Plano, TX 75024 and 100 E. Ferguson Street, Suite 608-A, Tyler, Texas 75702.

2. Plaintiff Uniloc Luxembourg S.A. is a Luxembourg corporation having a principal place of business at 15, Rue Edward Steichen, Luxembourg L-2540.

3. Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively “Uniloc”) researches, develops, manufactures and licenses information security technology solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc’s patented technologies enable software and content publishers to securely distribute and sell their high-value technology assets with minimum burden to their legitimate end users. Uniloc’s technology is used in several markets, including software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. United States Patent No. 7,099,849 (“the ‘849 Patent”) entitled “Integrated Media Management and Rights Distribution Apparatus” is generally directed to an integrated rights management and licensing system for storing, researching, buying, and selling intellectual property rights.

5. On information and belief, Defendant INMAGINE CORPORATION LLC d/b/a INMAGINE.COM d/b/a PHOTOSUBSCRIBE.COM d/b/a IMAGEHIT.COM d/b/a INSPIRESTOCK INC d/b/a INSPIRESTOCK.COM (“Inmage”) is a Delaware Corporation with its principal place of business at 1330 Post Oak Blvd., Ste. 1600, Houston, Texas 77056-3072. Inmage has appointed Registered Agents, Ltd., 1220 N. Market Street, Ste. 804, Wilmington, Delaware 19801 as its registered agent for service of process. Inmage also has a registered agent in Texas and is registered to do business with the Texas Secretary of State. On information and belief, Inmage regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

6. On information and belief, Defendant 123RF LTD. d/b/a 123RF USA LTD. d/b/a 123RF.COM d/b/a 123ROYALTYFREE.COM d/b/a 123RF.NET (“123RF USA”) is a limited liability company with its principal place of business at 123RF USA Ltd. c/o Inmage Corporation LLC, 1330 Post Oak Blvd., Ste. 1600, Houston, Texas 77056-3072. 123RF USA does not have a registered agent in Texas and is not registered to do business with the Texas Secretary of State. On information and belief, 123RF USA regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b). Without limitation, on information and belief, Inmage and 123RF USA are subject to personal jurisdiction in this district, have transacted business in this district, and have committed acts of patent infringement in this district, including via their websites.

9. On information and belief, Inmage and 123RF USA are subject to this Court’s specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Inmage and 123RF USA have interactive websites comprising infringing methods, systems, and apparatuses which are at least used in and/or accessible in this district. Further, on information and belief, Inmage and 123RF USA are subject to the Court’s general jurisdiction in this district, including from

regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in this district.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,099,849**

10. The '849 patent was duly and legally issued by the United States Patent and Trademark Office on August 29, 2006 after full and fair examination.

11. Uniloc is the owner of all rights, title, and interest in and to the '849 patent and has standing to bring this lawsuit for infringement of the '849 patent.

12. The claims of the '849 patent cover, *inter alia*, systems for managing intellectual property rights, such systems including: modules to receive over a network information related to intellectual property rights for at least a first and second properties from at least a first and second intellectual property owner, a repository for storing the information related to the intellectual properties, and modules configured to: visually present to potential licensees license forms including terms defined by intellectual property rights licensors; receive data entered into the license forms, including a request to license the intellectual property rights; determine if the rights are available; submit the license request for approval; and transmit the license approval to potential licensees.

13. On information and belief, Inmage owns and/or operates the websites found at [www.inmage.com](http://www.inmage.com), [www.photosubscribe.com](http://www.photosubscribe.com), [www.imagehit.com](http://www.imagehit.com) and [www.inspirestock.com](http://www.inspirestock.com).

14. On information and belief, 123RF USA owns and/or operates the website found at [www.123RF.com](http://www.123RF.com).

15. On information and belief, 123RF USA was and/or is a subsidiary of Inmage.

16. On information and belief, Defendants have been and are now infringing the '849 patent in violation of 35 U.S.C. § 271 in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising the making, using, selling and/or offering to sell methods, apparatuses and systems for licensing, storing, managing, researching, buying, and/or selling intellectual property rights, including, *inter alia*, systems including: modules to receive over a network information related to intellectual property rights for at least a first and second properties from at least a first and second intellectual property owner, a repository for storing the information related to the intellectual properties, and modules configured to: visually present to potential licensees license forms including terms defined by intellectual property rights licensors; receive data entered into the license forms, including a request to license the intellectual property rights; determine if the rights are available; submit the license request for approval; and transmit the license approval to potential licensees.

17. On information and belief, such apparatuses, methods, and systems comprise Defendants websites for licensing intellectual property and media content, namely [www.inmagine.com](http://www.inmagine.com) and [www.123rf.com](http://www.123rf.com). Defendants are thus liable for infringement of the '849 patent pursuant to 35 U.S.C. § 271.

18. To the extent that facts learned during the pendency of this case show that Defendants' infringement of the '849 patent includes indirect infringement, Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

19. To the extent that facts learned during the pendency of this case show that Defendants' infringement of the '849 patent includes contributory infringement, Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

20. To the extent that facts learned during the pendency of this case show that this is an “exceptional case,” Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

21. To the extent that facts learned during the pendency of this case show that Defendants’ infringement of the ‘849 patent is or has been willful, Uniloc reserves the right to amend this complaint accordingly, and to request such a finding at time of trial.

22. As a result of Defendants’ infringing conduct, Defendants have damaged Uniloc. Defendants are liable to Uniloc in an amount that adequately compensates Uniloc for their infringement, which, by law, can be no less than a reasonable royalty.

#### **PRAYER FOR RELIEF**

WHEREFORE, Uniloc respectfully requests that this Court enter:

1. A judgment in favor of Uniloc that Defendants have infringed the ‘849 patent;
2. A permanent injunction enjoining Defendants, and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the ‘849 patent;
3. A judgment and order requiring Defendants to pay Uniloc its damages, costs, expenses, fees and prejudgment and post-judgment interest for Defendants’ infringement of the ‘849 patent as provided under 35 U.S.C. §§ 284 and/or 285; and
4. Any and all other relief to which Uniloc may show itself to be entitled.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Uniloc requests a trial by jury of any issues so triable by right.

February 27, 2012

Respectfully submitted,

/s/ Andrew P. Tower

Andrew P. Tower – LEAD COUNSEL

Texas Bar No. 786291

Michael J. Collins

Texas Bar No. 4614510

Johnathan K. Yazdani

Texas Bar No. 24079616

COLLINS, EDMONDS POGORZELSKI

SCHLATHER & TOWER, PLLC

1616 S. Voss Road, Suite 125

Houston, Texas 77057

Telephone: (281) 501-3425

Facsimile: (832) 415-2535

atower@cepiplaw.com

mcollins@cepiplaw.com

jyazdani@cepiplaw.com

James Etheridge

Texas Bar No. 24059147

ETHERIDGE LAW GROUP, PLLC

2600 E. Southlake Blvd., Suite 120 / 324

Southlake, TX 76092

Telephone: (817) 470-7249

Facsimile: (817) 887-5950

[Jim@EtheridgeLaw.com](mailto:Jim@EtheridgeLaw.com)

Wesley Hill

Texas State Bar No. 24032294

WARD & SMITH LAW FIRM

111 W. Tyler Street

Longview, Texas 75601

Telephone: (903) 757-6400

Facsimile: (903) 757-2323

[wh@wsfirm.com](mailto:wh@wsfirm.com)

ATTORNEYS FOR PLAINTIFFS

UNILOC USA, INC. and UNILOC

LUXEMBOURG S.A.